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S&H Form: (2/01)

Docket No.: 1349.1335

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Yun-gi Kim

Serial No: 10/724,722

Group Art Unit: 2853

Confirmation No. 2212

Filed: December 2, 2003

Examiner: Geoffrey S. Mruk

For: HEATER APPARATUS OF INK-JET PRINT HEAD AND FABRICATION METHOD
THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed July 18, 2005, having a shortened period for response set to expire on August 18, 2005, the following remarks are provided.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect Group I (claims 1-3, 8-9, 13-15 and 20-28) in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicants Traverse the Requirement

Insofar as Group II (claims 4-7, 10-12, 16-19 and 29-40) is concerned, it is believed that claims 4-7, 10-12, 16-19 and 29-40 are so closely related to elected claims 1-3, 8-9, 13-15 and 20-28 that they should remain in the same application. The elected claims 1-3, 8-9, 13-15 and 20-28 are directed to, for example, a heater apparatus and claims 4-7, 10-12, 16-19 and 29-40 are drawn to, for example, a fabrication method of a heater apparatus. There have been no references cited to show any necessity for requiring restriction. It is believed, moreover, that evaluation of all sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter recited by the Group II claims by filing a divisional application.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions.

(A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or

distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is required.

Even if the Examiner considers claims 4-7, 10-12, 16-19 and 29-40 to be a separate invention from claims 1-3, 8-9, 13-15 and 20-28, the Applicants respectfully request the Examiner to consider claims 4-7, 10-12, 16-19 and 29-40 (Group II) and claims 1-3, 8-9, 13-15 and 20-28 (Group I) together.

III. Conclusion

Upon review of references involved in this field of technology, when considering that the Group II claims are directed to a fabrication method of a heater apparatus, and elected claims 1-3, 8-9, 13-15 and 20-28 are directed to a heater apparatus, and when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 8-17-05

By: 

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